

ATTY I.D. #75350

IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

OMMEHANI AZKIA and,)
MOHAMMED MASIUDDIN,)
)
Plaintiffs,)
)
vs.)
)
JOHN BURCZYK and)
MARTEN TRANSPORT, LTD.,)
)
Defendants.)

NO. 2020L000818

JURY DEMAND

Chris Kachiroubas
e-filed in the 18th Judicial Circuit Court
DuPage County
ENVELOPE: 9929253
2020L000818
FILEDATE: 7/29/2020 2:45 PM
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JK

COMPLAINT AT LAW

COUNT I

NOW COMES the plaintiff, OMMEHANI AZKIA, by and through her attorneys, SANDMAN, LEVY AND PETRICH, LLC, and complaining of the defendants, JOHN BURCZYK and MARTEN TRANSPORT, LTD., alleges and states as follows:

1. That on March 28, 2019, the plaintiff, OMMEHANI AZKIA, was the owner of a certain motor vehicle which she was then and there operating in a westerly direction along and upon I-88 in lane three of traffic, at or near West 22nd Street, in York Township, County of DuPage and State of Illinois.
2. That on March 28, 2019, the defendant, MARTEN TRANSPORT, LTD., was the owner of a certain Freightliner truck which was then and there in the possession and control of the defendant, JOHN BURCZYK, who was operating said Freightliner truck in a westerly direction along and upon I-88 in lane four of traffic, at or near West 22nd Street, in York Township, County of DuPage and State of Illinois.
3. That at the time and place of this occurrence, the defendant, JOHN BURCZYK, was the agent and servant of the defendant, MARTEN TRANSPORT, LTD., and was acting within the scope of authority of said agency.

4. That it then and there became and was the duty of defendants, and each of them, before and at the time of the occurrence, to use ordinary care for the safety of the plaintiff, OMMEHANI AZKIA.

- (a) Carelessly and negligently operated and drove said motor vehicle by moving said vehicle from one clearly marked traffic lane to another without first ascertaining that such movement could be made with safety, in violation of 625 ILCS 5/11-709(a) (1996 State Bar Edition);
- (b) Carelessly and negligently failed to signal the intention to turn the vehicle from a direct course on the highway in violation of 625 ILC 5/11-804(a) (1996 State Farm Edition);
- (c) Carelessly and negligently operated and drove said motor vehicle at a speed greater than is reasonable and proper with disregard to the traffic conditions and the use of the highway in violation of 625 ILCS 5/11-601 (1996 State Bar Edition);
- (d) Carelessly and negligently operated and drove said motor vehicle by failing to properly apply his brakes; and
- (e) Carelessly and negligently operated and drove said motor vehicle by failing to keep a proper lookout.

5. That as a direct and proximate result of one or more of the foregoing negligent acts, the defendants' Freightliner truck collided with great force and violence with the plaintiff's motor vehicle causing plaintiff to lose control striking the center concrete median, and as a direct result thereof, the plaintiff was injured, caused to suffer pain, incurred large expenses for necessary medical and hospital care, was disabled for a certain period of time, and lost certain time and monies from her employment, and sustained damage to her property.

WHEREFORE, the plaintiff, OMMEHANI AZKIA, prays for judgment against the defendants, JOHN BURCZYK and MARTEN TRANSPORT, LTD., in an amount in excess of \$50,000.00, plus the costs of this lawsuit.

COUNT II

NOW COMES the plaintiff, MOHAMMED MASIUDDIN, by and through his attorneys, SANDMAN, LEVY AND PETRICH, LLC, and complaining of the defendants, JOHN BURCZYK and MARTEN TRANSPORT, LTD., alleges and states as follows:

1. That on March 28, 2019, the plaintiff, MOHAMMED MASIUDDIN, was a passenger in the vehicle being operated by the plaintiff, OMMEHANI AZKIA, and that OMMEHANI AZKIA, was not the agent, servant or employee of the said defendant and further, plaintiff, OMMEHANI AZKIA, had no dominion or control over the operation of said motor vehicle which was then and there being operated in a westerly direction along and upon I-88 in lane three of traffic, at or near West 22nd Street, in York Township, County of DuPage and State of Illinois.

2. That on March 28, 2019, defendant, JOHN BURCZYK, was then and there in possession and control of a certain Freightliner truck which he was then and there operating in a westerly direction along and upon I-88 in lane four of traffic, at or near 22nd Street, in York Township, County of DuPage and State of Illinois.

3. That it then and there became and was the duty of defendants, and each of them, before and at the time of the occurrence, to use ordinary care for the safety of the plaintiff, MOHAMMED MASIUDDIN.

4. Notwithstanding their duty as aforesaid, defendants committed one or more of the following negligent acts:


- (a) Carelessly and negligently operated and drove said motor vehicle by moving said vehicle from one clearly marked traffic lane to another without first ascertaining that such movement could be made with safety, in violation of 625 ILCS 5/11-709(a) (1996 State Bar Edition);
- (b) Carelessly and negligently failed to signal the intention to turn the vehicle from a direct course on the highway in violation of 625 ILC 5/11-804(a) (1996 State Farm Edition);
- (c) Carelessly and negligently operated and drove said motor vehicle at a speed greater than is reasonable and proper with disregard to the traffic conditions and the use of the highway in violation of 625 ILCS 5/11-601 (1996 State Bar Edition);
- (d) Carelessly and negligently operated and drove said motor vehicle by failing to properly apply his brakes; and
- (e) Carelessly and negligently operated and drove said motor vehicle by failing to keep a proper lookout.

5. That as a direct and proximate result of one or more of the foregoing negligent acts, the defendants' Freightliner truck collided with great force and violence with the motor vehicle in which this plaintiff was a passenger, causing plaintiff's driver to lose control striking the center concrete median, and as a direct result thereof, the plaintiff, MOHAMMED MASIUDDIN, was injured, caused to suffer pain, incurred large expenses for necessary medical and hospital care, was disabled for a certain period of time, and lost certain time and monies from his employment.

WHEREFORE, plaintiff, MOHAMMED MASIUDDIN, prays for judgment against the defendants, JOHN BURCZYK and MARTEN TRANSPORT, LTD., in an amount in excess of \$50,000.00, plus the costs of this lawsuit.

SANDMAN, LEVY AND PETRICH, LLC

By:



DAVID S. PETRICH
Attorney for Plaintiff(s)

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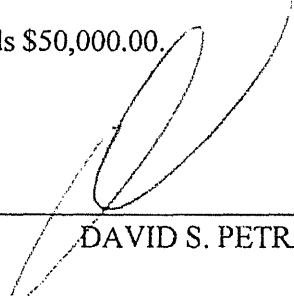
AFFIDAVIT OF DAMAGES

DAVID S. PETRICH, being first duly sworn on oath, deposes and states as follows:

1. That your affiant is one of the attorneys representing the plaintiff(s) in the case of AZKIA, OMMEHANI V. BURCZYK, JOHN, ET AL.

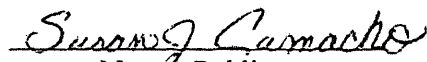
2. That the money damages sought exceeds \$50,000.00.

FURTHER, your affiant sayeth not.



DAVID S. PETRICH

SUBSCRIBED and SWORN to
before me this 28th day of
July, 2020.


Notary Public

